

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

FURIE OPERATING ALASKA, LLC, *et al.*,¹

Debtors

Chapter 11

Case No. 19-11781 (LSS)

(Jointly Administered)

Honorable Laurie Selber Silverstein

Pending in the United States
Bankruptcy Court for the District of
Delaware

ALLEN LAWRENCE BERRY and
DANNY DAVIS,

Plaintiffs

Adversary Proceeding

No. 19- (03666)

v.

DAMON KADE, KAY RIECK, LARS
DEGENHARDT, TOM HORD, FURIE
OPERATING ALASKA, LLC, FURIE
PETROLEUM COMPANY, LLC, AND
CORNUCOPIA OIL & GAS COMPANY,
LLC,

Defendants

(Removal from 125th Judicial District
Court of Harris County, Texas; Cause
No. 2016-49928)

**JOINT MOTION TO DISMISS CLAIMS BETWEEN PLAINTIFFS AND DEBTOR
DEFENDANTS WITH PREJUDICE**

1. Plaintiffs Allen Lawrence Berry and Danny Davis and Intervenor Giza Holdings LLC and Taylor Minerals, LLC (collectively, “Plaintiffs”) and Defendants Furie Operating Alaska, LLC and Cornucopia Oil & Gas Company, LLC (collectively, “Debtor Defendants”) file this joint motion to dismiss the claims between them, pursuant to the settlement agreement between them.

2. The parties in this litigation are: Allen Lawrence Berry (“Berry”); Danny Davis

(“Davis”); Giza Holdings LLC (“Giza”); Taylor Minerals, LLC (“Taylor”); Damon Kade (“Kade”); subject to his special appearance, Lars Degenhardt (“Degenhardt”); Tom Hord (“Hord”); Furie Operating Alaska, LLC (“Furie Operating”); Furie Petroleum Company, LLC (“Furie Petroleum”); and Cornucopia Oil & Gas Company, LLC. (“Cornucopia”); Kay Rieck is a named defendant but has not been served with process and has not appeared in this case.

3. Berry and Davis are plaintiffs. Giza and Taylor are intervenors. For simplicity, Berry, Davis, Giza and Taylor are referred to as “Plaintiffs.”

4. Furie Operating and Cornucopia filed for bankruptcy protection in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Case”) and are referred to as the Debtor Defendants.

5. Debtor Defendants and Plaintiffs have a settlement agreement in the Delaware Bankruptcy Case. Pursuant to the settlement agreement between the Plaintiffs and the Debtor Defendants, upon the Effective Date, the Plaintiffs and Debtor Defendants agreed to dismiss their claims against each other, and the Debtor Defendants agreed to the Plaintiffs’ motion to remand this proceeding to state court. The Effective Date was July 1, 2020.

6. For these reasons, Plaintiffs and Debtor Defendants respectfully request that the Court dismiss all claims between Plaintiffs and Debtor Defendants (**the claims against or by all other Defendants will remain pending**) and remand this case back to state court. Plaintiffs and Debtor Defendants additionally request all further relief to which they may be justly entitled.

Dated: July 6, 2020.

Houston, Texas

Respectfully submitted,

BUTCH BOYD LAW FIRM

By: /s/ Jeremy R. Stone
Ernest W. 'Butch' Boyd
State Bar No. 00783694
Jeremy R. Stone
State Bar No. 24013577
2905 Sackett Street
Houston, TX 77098
Telephone: (713) 589-8477
Facsimile (713) 589-8563
butchboyd@butchboydlawfirm.com
jeremystone@butchboydlawfirm.com

-and-

Corey Seel
State Bar No. 24037465
MEHAFFY WEBER, P.C.
500 Dallas, Suite 1200
Houston, Texas 77002
Telephone: (713) 655-1200
Facsimile: (713) 655-0222
CoreySeel@mehaffyweber.com
Counsel for the Plaintiffs

REYNOLDS FRIZZELL LLP

By: /s/ Chris Reynolds
Chris Reynolds
State Bar No. 16801900
Harris Wells
State Bar No. 24106563
1100 Louisiana Street, Suite 3500
Houston, TX 77002
Phone: (713) 485-7200
Fax: (713) 485-7250
creynolds@reynoldsfrizzell.com
hwells@reynoldsfrizzell.com
*Counsel for Defendants Furie Operating
Alaska, LLC and Cornucopia Oil & Gas
Company, LLC*

-and-

McDERMOTT WILL & EMERY LLP
Timothy W. Walsh (pro hac vice forthcoming)
Riley T. Orloff (pro hac vice forthcoming)
340 Madison Avenue
New York, New York 10173-1922
Phone: (212) 547-5400
Fax: (212) 547-5444
twwalsh@mwe.com
rorloff@mwe.com
*Counsel for Debtors and Debtors in
Possession*

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2020, a true and correct copy of this document was served on all parties registered to receive ECF notification in the above captioned case and was emailed to every party below.

J. Marcus Hill
HILL & HILL, P.C.
Texas Bar No. 09638150
1770 St. James Place, Suite 115
Houston, Texas 77056
Marc@hillpclaw.com
***Counsel for Tom Hord and subject to
special appearance, Lars Degenhardt***

John Scott Black
Richard D. Daly
Mark Junell
Melissa Waden Wray
DALY & BLACK, P.C.
2211 Norfolk, Suite 800
Houston, Texas 77098
jblack@dalyblack.com
rdaly@dalyblack.com
mwrap@dalyblack.com
mjunell@dalyblack.com
Counsel for Damon Kade

/s/ Robert G. Taylor, III
LAW OFFICE OF ROBERT G. TAYLOR
2040 North Loop West, Suite 104
Houston, Texas 77018
rt3atty@gmail.com
Counsel for Intervenors

Chris Reynolds
Harris Wells
REYNOLDS FRIZZELL LLP
1100 Louisiana Street, Suite 3500
Houston, TX 77002
creynolds@reynoldsfrizzell.com
hwells@reynoldsfrizzell.com

Timothy W. Walsh
Riley T. Orloff
McDERMOTT WILL & EMERY LLP
340 Madison Avenue
New York, New York 10173-1922
twwalsh@mwe.com
rorloff@mwe.com
Counsel to the Debtors and Debtors in Possession

By: /s/ Jeremy R. Stone
Jeremy R. Stone